

Article III

Falmouth Single-Use Plastic Bag Prohibition

§191-21 Purpose and Intent

The production and use of single-use plastic bags have significant impacts on the marine and land environment of all coastal communities, including by not limited to: contributing to the potential death of marine and terrestrial animals through ingestion and entanglement; contributing to pollution of the land and coastal environment; clogging our storm drainage systems; creating a burden to our solid waste collection and recycling efforts; and requiring the use of millions of barrels of non-renewable, polluting, fossil fuel nationally for their manufacture.

Therefore, the Town of Falmouth seeks to phase out the use of single-use plastic bags by all retail establishments over a period of 18 months from the effective date of this bylaw.

The purpose of this legislation is to phase out the usage of single-use checkout bags by all retail establishments and take-out restaurants in the Town of Falmouth.

§191-22 Definitions

“Establishment” means any business selling goods, articles, food or personal services to the public, including take-out restaurants.

“Single-use plastic bags” means bags made of plastic, with integral handles, and thickness less than 2.5 mils, that are intended to be used for the transport of products purchased at an Establishment as defined herein.

“Reusable bag” means a bag that is specifically designed for multiple use and is made of cloth, fabric or other durable materials.

§191-23 Use Regulations

Single-use plastic bags shall not be distributed or sold at any Establishment within the Town of Falmouth. Existing stock of single-use bags shall be phased out within eighteen months of adoption of this By-law; any remaining stock shall be disposed of properly by the Establishment.

Customers are encouraged to bring their own reusable shopping bags to stores. Establishments may provide reusable bags at no charge, or charge a reasonable fee

for each paper or other bag, as they desire. Establishments are strongly encouraged to make reusable bags available for sale to customers at a reasonable price.

Thin-film plastic bags used by Establishments to contain dry cleaning, newspapers, produce, meat, bulk foods, wet items and other similar merchandise, typically without handles, are exempt from the provisions of this By-law.

§191-24 Administration and Enforcement

This By-law may be enforced by any Town police officer, enforcement officers or agents of the Board of Health.

This By-law may be enforced through any lawful means in law or in equity, including, but not limited to, non-criminal disposition pursuant to G.L. c. 40, §21D and appropriate chapter of the Town's General By-laws. If non-criminal disposition is elected, then any Establishment which violates any provision of this by-law shall be subject to the following penalties:

First Offense: \$50 fine

Second Offense: \$100 fine

Third and subsequent Offense \$200 fine

Subsequent offenses shall be determined as offenses occurring within two years of the date of the first noticed offense. Each day or portion thereof shall constitute a separate offense. If more than one, each condition violated shall constitute a separate offense; or to take any other action relative thereto.